

ORIGINAL



0000061512

BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

COMMISSIONERS

2006 SEP 11 P 2:16

DOCKETED

SEP 11 2006

JEFF HATCH-MILLER, Chairman
WILLIAM A. MUNDELL
MIKE GLEASON
KRISTIN K. MAYES
BARRY WONG

AZ CORP COMMISSION
DOCUMENT CONTROL

DOCKETED BY

NR

IN THE MATTER OF THE APPLICATION OF
LIVCO WATER COMPANY FOR AN
EXTENSION OF ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY FOR THE
PROVISION OF WATER SERVICE IN PORTIONS
OF APACHE COUNTY, ARIZONA.

DOCKET NO. W-02121A-06-0316

IN THE MATTER OF THE APPLICATION OF
LIVCO SEWER COMPANY FOR AN
EXTENSION OF ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY FOR THE
PROVISION OF WASTEWATER SERVICE IN
PORTIONS OF APACHE COUNTY, ARIZONA.

DOCKET NO. SW-02563A-06-0316

PROCEDURAL ORDER

BY THE COMMISSION:

On May 4, 2006, Livco Water Company ("LWC") and Livco Sewer Company ("LSC") (collectively "Companies" or "Applicants"), filed a joint application for an extension of their Certificates of Convenience and Necessity ("Certificate") with the Arizona Corporation Commission ("Commission") to provide public water and public wastewater utility service to various parts of Apache County, Arizona.

On June 1, 2006, the Commission's Utilities Division ("Staff") issued a notice of insufficiency which indicated that the Companies' applications had not met the sufficiency requirements of A.A.C. R14-2-411(C), and A.A.C. R14-2-610(C).

On September 7, 2006, Staff issued a letter of administrative completeness to Applicants.

Pursuant to A.A.C. R14-3-101 and A.A.C. R14-3-109, the Commission now issues this Procedural Order to govern the preparation and conduct of these proceedings.

IT IS THEREFORE ORDERED that a **hearing** shall commence on **November 13, 2006, at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona 85007.

1 IT IS FURTHER ORDERED that the **Staff Report and associated exhibits** to be presented
2 at hearing on behalf of Staff shall be reduced to writing and filed on or before 4:00 p.m. on **October**
3 **18, 2006.**

4 IT IS FURTHER ORDERED that any **objections to the Staff Report and associated**
5 **exhibits** to be presented at hearing by Applicants shall be reduced to writing and filed on or before
6 4:00 p.m. on **October 25, 2006.**

7 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-
8 105, except that all motions to intervene must be filed on or before **October 20, 2006.**

9 IT IS FURTHER ORDERED that Livco Water Company and Livco Sewer Company shall
10 provide public notice of the hearing in this matter, in the following form and style:

11 **PUBLIC NOTICE OF THE HEARING FOR AN EXTENSION OF THE CERTIFICATES OF**
12 **CONVENIENCE AND NECESSITY TO PROVIDE WATER AND WASTEWATER**
13 **SERVICE**
14 **W-02121A-06-0316 et al.**

15 On May 4, 2006, Livco Water Company and Livco Sewer Company filed a joint
16 application for an extension of their Certificates of Convenience and Necessity to
17 provide public water and wastewater utility service, respectively, to various parts of
18 Apache County, Arizona.

19 The application is available for inspection during regular business hours at the offices
20 of the Commission in Phoenix, at 1200 West Washington Street, Phoenix, Arizona
21 and at the Applicants' office, [insert office address] and on the internet via the
22 Commission website (www.azcc.gov) using the e-docket function. ..

23 The Commission will hold a **hearing** on this matter commencing on **November 13,**
24 **2006 at 10:00 a.m.,** at the Commission's offices, 1200 West Washington Street,
25 Phoenix, Arizona. Public comments will be taken on the first day of the hearing.

26 The law provides for an open public hearing at which, under appropriate
27 circumstances, interested parties may intervene. Intervention shall be permitted to
28 any person entitled by law to intervene and having a direct and substantial interest in
the matter. Persons desiring to intervene must file a written motion to intervene with
the Commission, which motion should be sent to Applicants or their counsel and to
all parties of record, and which, at the minimum, shall contain the following:

1. The name, address, and telephone number of the proposed intervenor and of
any party upon whom service of documents is to be made if different than the
intervenor.
2. A short statement of the proposed intervenor's interest in the proceeding (e.g.,
a customer of Applicants, a shareholder of Applicants, a competitor, etc.).
3. A statement certifying that a copy of the motion to intervene has been mailed
to the Applicants or their counsel and to all parties of record in the case.

1 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except
 2 that **all motions to intervene must be filed on or before October 20, 2006.** The
 3 granting of intervention, among other things, entitles a party to present sworn
 4 evidence at hearing and to cross-examine other witnesses. However, failure to
intervene will not preclude any customer from appearing at the hearing and making a
statement on such customer's own behalf.

5 If you have any questions about this application, you may contact the applicant at
 6 [insert telephone number]. If you wish to file written comments on the application
 7 or want further information on intervention, you may write the Consumer Services
 8 Section of the Commission at 1200 West Washington Street, Phoenix, Arizona
 9 85007 or call 1-800-222-7000 or appear at the hearing and make comment.

10 The Commission does not discriminate on the basis of disability in admission to its
 11 public meetings. Persons with a disability may request a reasonable accommodation
 12 such as a sign language interpreter, as well as request this document in an alternative
 13 format, by contacting Linda Hogan, ADA Coordinator, voice phone number 602/542-
 14 3931, E-mail lhogan@azcc.gov. Requests should be made as early as possible to
 15 allow time to arrange the accommodation.

16 IT IS FURTHER ORDERED that Livco Water Company and Livco Sewer Company shall
 17 cause the above notice to be published at least once in a newspaper of general circulation in their
 18 proposed service territory, with **publication to be completed no later than September 29, 2006.**

19 IT IS FURTHER ORDERED that Livco Water Company and Livco Sewer Company shall
 20 file certification of publication as soon as practicable after the publication has been completed.

21 IT IS FURTHER ORDERED that notice shall be deemed complete upon publication of same,
 22 notwithstanding the failure of an individual or entity to read or receive the notice.

23 IT IS FURTHER ORDERED that the presiding Administrative Law Judge may rescind, alter,
 24 amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by
 25 ruling at hearing.

26 Dated this 11TH day of September, 2006

27 
 28 MARC E. STERN
 ADMINISTRATIVE LAW JUDGE


1 Copies of the foregoing mailed/delivered
2 this 11 day of September, 2006 to:

3 Richard L. Sallquist
4 SALLQUIST, DRUMMOND & O'CONNOR
5 4500 S. Lakeshore Drive, Ste. 339
6 Tempe AZ 85282
7 Attorneys for Livco Water Company and
8 Livco Sewer Company

9 Christopher Kempley, Chief Counsel
10 Legal Division
11 ARIZONA CORPORATION COMMISSION
12 1200 West Washington Street
13 Phoenix, AZ 85007

14 Ernest G. Johnson, Director
15 Utilities Division
16 ARIZONA CORPORATION COMMISSION
17 1200 West Washington
18 Phoenix, AZ 85007

19 ARIZONA REPORTING SERVICE, INC.
20 2627 N. Third Street, Ste. Three
21 Phoenix, Arizona 85004-1126

22 By: 
23 Molly Johnson
24 Secretary to Marc E. Stern
25
26
27
28